

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

IN RE: DIGITEK PRODUCTS LIABILITY LITIGATION

MDL NO. 1968

APPLICATION OF SHELLY A. SANFORD FOR PSC

TO THE HONORABLE JUDGE GOODWIN:

In accordance with Pre-trial Order 2, please accept this application of the undersigned, Shelly A. Sanford, Sanford Pinedo LLP, to the Plaintiff's Steering Committee. I have Digitek cases in this MDL and will continue to file in this MDL. As set forth in support of this Application, I am willing and available to commit to this project, have a proven ability to work cooperatively with others, and have the requisite experience in this type of litigation. In addition, there are direct flights on Continental between Charleston, WV, and Houston.

1. I am managing partner at the law firm of Sanford Pinedo LLP. I have extensive experience in prosecuting and litigating pharmaceutical complex cases. A copy of my Curriculum Vitae is attached hereto along with a Certificate of Good Standing. Further information may be found at my firm website, <http://www.SanfordPinedo.com>.
2. I obtained a Bachelor's of Journalism degree from the University of Texas at Austin in 1989 and a J.D. from St. Mary's University School of Law in 1992. I was a judicial intern to Raul Gonzales at the Texas Supreme Court. My legal practice has focused primarily on product liability and mass tort litigation against Fortune 500 companies.
3. I am AV-rated by Martindale-Hubbell. I was recently honored with the Clarence Darrow Award (April, 2008) from Mass Torts Made Perfect (a national organization for mass tort trial lawyers) for a near decade-long commitment to the Vioxx litigation against Merck that resulted

in the \$4.85 billion settlement for the personal injury claims of those who took Vioxx and suffered sudden cardiac death, a heart attack or ischemic stroke.

4. The firm's other founding partner, Christopher Pinedo, obtained his license to practice in Texas (1994), Michigan (1988), California (2005) and Arizona (2007). We have added an additional experienced trial lawyer partner to the firm, Alex Barlow, and have an associate, Anthony Coveny, who recently joined us after interning for the Honorable David Hitner, Southern District of Texas, Houston Division, and after being a Briefing Attorney at the Court of Appeals for the State of Texas, Houston (14th Division).

5. I have been appointed by Federal Courts to the Plaintiff's Steering Committees (PSCs) in multi-district litigation against Merck & Co., Inc. relating to the prescription drugs Vioxx (New Orleans, LA) and Fosamax (NYC), and against Pfizer, Inc. relating to the prescription drugs Bextra/Celebrex (San Francisco). Both Vioxx and Bextra are winding down.

6. In the Fosamax MDL in NYC, I am co-chair of the Discovery Committee for the PSC and am responsible for the PSC document repository for the MDL.

7. In the Bextra/Celebrex MDL before the Honorable Judge Breyer in San Francisco, I am Chair of the Science and Expert Committee, and am on the Trial Committee, Discovery Committee, Administrative Committee, and the Fee and Assessment Committee.

8. Along with Carlene Rhodes Lewis (1954-2006), I began investigation of the Vioxx case in November of 2000, approximately 4 years prior to its worldwide withdrawal from market. Ms. Lewis and I filed the first personal injury case in 2001, and were generating counsel in the initial third party payor class action in Vioxx and the first securities action to be filed. The securities cases is *Frank Pringle, Individually and on Behalf of All Others Similarly Situated v. Merck & Co., Inc.*, No. 03-3125, E.D. La; which later became MDL 1658; *In Re Merck & Co., Inc.*,

Securities, Derivative & ERISA Litigation, No. 3:05-CV-01151-JRC-TJB; 3:05:CV-02367-SRC-TJB, D.N.J. (remanded after appeal). For the third party purchaser claim *see International Union of Operating Engineers Local # 68 Welfare Fund v. Merck & Co., Inc.*, Superior Court of New Jersey, Appellate Division Docket No. A-0450-05T1, approved for publication March 31, 2006. Ms. Lewis and I were co-counsel with Mark Lanier in the first Vioxx case to go to trial in the country, *Ernst v. Merck & Co., Inc.*, in Brazoria County, Texas, which resulted in a \$253 million verdict against Merck. I participated in 5 additional Vioxx trials.

9. My committee work in the Vioxx MDL before the Honorable Eldon Fallon includes being the PSC member Chair of the Science and Expert Committee, as well as being a member of the Discovery Committee, Administrative Committee, and the PSC's Trial Package Committees.

10. I was a founding chair and chair of the American Association for Justice's (formerly ATLA) Vioxx Litigation Group (Cox-2 and other NSAIDs) from 2002 through 2006, which included more than 1000 members.

11. I am Outside Counsel for the State of Texas in their Vioxx Medicaid Fraud litigation against Merck and consult with other Attorney's General in similar litigation.

12. I support the structure proposed by Teresa Toriseva, Fred Thompson and Carl Frankovitch. They are not just lawyers who profess to have "MDL expertise"; Rather, they have a proven ability to work with trial lawyers to focus efforts against the defendants for the benefit of the actual Plaintiffs. This is exemplified in time, economic expenditures, settlement and verdicts that don't undercut value.

Dated: 10.17.2008



Shelly A. Sanford, Esq.